

# RECOGNIZING NATIONAL VICTIMS' RIGHTS WEEK

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, I rise this morning in recognition of National Victims' Rights Week. Presently the scales of justice are tilted against crime victims. For too long, victims of crime have gone unrecognized in our criminal justice system. Too often the victim is all but forgotten, left outside of the process. This is not right and must be changed.

Victims should not occupy the fringes of our criminal justice process. It was Supreme Court Justice Benjamin Cardozo who said: "Justice, though due of the accused, is due to the accuser also. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true."

As we remember victims of crime this week, we see the filament Justice Cardozo spoke of becoming increasingly thin. Our current system is not fair to victims, and the time has come for us to balance the scales of justice.

Our Nation was founded on the principles of equal protection under the law and equal justice for all. It is not until our Constitution guarantees the rights of victims that the scales of justice will truly be balanced.

## APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Without objection, and pursuant to section 127 of Public Law 97-377 (2 U.S.C. 88b-3), the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS of Illinois,  
Mrs. WILSON of New Mexico.  
There was no objection.

## APPOINTMENT AS MEMBER OF FIRST FLIGHT CENTENNIAL FEDERAL ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to Section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following citizen of the United States to the First Flight Centennial Federal Advisory Board:

Mr. Neil Armstrong, Lebanon, Ohio.  
There was no objection.

## APPOINTMENT AS MEMBERS OF JAMES MADISON COMMEMORATION ADVISORY COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to section 5(b)

of the James Madison Commemoration Commission Act (P.L. 106-550) the Chair announces the Speaker's appointment of the following members on the part of the House to the James Madison Commemoration Advisory Committee:

Dr. Charles R. Kesler, Claremont, California,  
Mr. Randy Wright, Richmond, Virginia.

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 24, 2001.

Hon. DENNIS HASTERT,  
Speaker of the House,  
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Thank you for appointing me to serve on the House Permanent Select Committee on Intelligence.

In keeping with the Democratic Caucus rules and Rules of the House that limit me to serving on no more than two full committees I am resigning from my seat on the House Committee on Veterans' Affairs.

Please notify me as to the disposition of this request. If you cannot reach me directly at 226-3787, please notify my Chief of Staff, Mark Brownell, at 225-2165.

Thank you in advance for your prompt attention to this matter.

Sincerely,

COLLIN C. PETERSON,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 119

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Lofgren of California or her designee, which shall be considered as read

and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mrs. MYRICK asked and was given permission to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, on Tuesday the Committee on Rules met and granted a modified closed rule for H.R. 503, the Unborn Victims of Violence Act. The rule provides that the amendment printed in the Committee on Rules report shall be considered as adopted.

The rule provides for 2 hours of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the amendment printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

This is a fair rule, which will permit a thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of a Democrat substitute amendment, we will be more than ready to vote on H.R. 503. This is not a complex issue.

Mr. Speaker, on September 12, 1996, Gregory Robbins, an Air Force enlisted man, wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus. To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn. A criminal can beat a pregnant woman in the stomach to kill the baby, and the law ignores her pregnancy.

This is not just an isolated problem. Three years ago in my hometown of Charlotte, North Carolina, Ruth Croston and her unborn child were brutally murdered by her estranged husband. The husband later was charged with domestic violence, but the prosecutors could do nothing about the dead child.

It is wrong, and it has to be stopped. Fortunately, 24 States have adopted

laws that protect pregnant women from assaults by abusive boyfriends or husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would only apply in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress. Whether you are pro-life, such as myself, or pro-choice, we should all agree to protect young women from forced, cruel, and painful abortions.

All you have to do is ask the woman who just lost her child to such a violent attack. It is not the same thing as a simple assault. Clearly it is more serious and more emotionally jarring, and it should be treated accordingly.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule that I will not actively oppose, but H.R. 503, the so-called Unborn Victims of Violence Act, deserves full and open debate. A truly open rule would have insured that no one was shut out of the process.

But everyone in the Chamber understands what is going on today. The majority did not bring this bill to the floor to protect pregnant women. The majority brought the measure to the floor today to launch its battle to end a woman's right to choose in the 107th Congress. But, more specifically, the majority is responding to the call of the National Right to Life Committee and their goal of achieving legal status and protections for a fetus.

□ 1030

If passed, this bill would mark the first time that our Federal laws would recognize the fetus in early stages of gestational development as a person, a notion that the Supreme Court considered but rejected.

Mr. Speaker, H.R. 503 represents an effort to endow a fetus with rights, such as recognition as a crime victim, and to thus erode the fundamental premise of *Roe v. Wade*. Aside from this general concern, there is a real threat that the bill will spur the antichoice movement to use the legislation as a building block to undermine a woman's right of reproductive freedom.

The threat to *Roe v. Wade* could not be more clear. In *Roe*, the Court recognized a woman's right to have an abortion as a privacy right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted that the unborn have never been recognized in the law as persons in the whole sense, and concluded that "person," as used in the 14th amendment, does not include the unborn.

The supporters of H.R. 503 would suggest that they are advancing the bill in an effort to combat domestic violence. If that is true, it is, at best, an awkward and, at worst, a dangerous effort. If the sponsors of H.R. 503 were truly concerned with the problem of violence against women, they would have supported full funding of the Violence Against Women Act. The amounts appropriated in the 2001 budget are more than \$200 million short of the authorization levels.

Mr. Speaker, a far more effective legislative alternative is available, which discourages crimes against pregnant women without undermining *Roe v. Wade*. Such an alternative is embodied in the Lofgren-Conyers substitute which defines the crime to be against the pregnant woman, whereas H.R. 503 makes the crime against the fetus. This distinction is a critical one because the substitute avoids the issue of "fetal rights" and "fetal personhood" that put the bill at odds with the principles of *Roe v. Wade*, medical science and common sense. Instead, the Lofgren-Conyers substitute recognizes it as the woman who suffers the injury when an assault causes harm to her fetus or causes her to lose the pregnancy.

The substitute also acknowledges the connection between the woman and her fetus without distinguishing the rights of one from the other. That is a very important point.

The substitute, therefore, accomplishes the stated goals of H.R. 503, deterring violent acts against pregnant women that cause injury to their fetuses or termination of a pregnancy.

Mr. Speaker, it is unfortunate that the majority's goal of averting violence against women in their developing pregnancies is secondary to the goal of undermining the reproductive rights of women. Rather than seeking to score points in the abortion debate, we invite the majority to join us in crafting legislation that protects women and mothers from violence that threatens all those who are under their care.

I would note that H.R. 503 is unanimously opposed by groups concerned about ending domestic violence and protecting a woman's right to choose, including the National Coalition Against Domestic Violence, the National Women's Law Center, the National Council of Jewish Women, the Planned Parenthood Federation of America, and the People for the American Way.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule for consideration of the bill, H.R. 503. The Unborn Victims of Violence Act is a carefully constructed piece of legislation that will help fill the gap in Federal law with regard to protecting unborn children from violence.

Current Federal law provides no additional punishment for criminals who commit acts of violence against pregnant women and kill or injure their unborn children. Thus, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequences whatsoever.

Mr. Speaker, H.R. 503 would correct this deficiency in the law by providing that an individual who injures or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense.

I would like to reiterate what the gentlewoman from North Carolina said about a particularly heinous case. This legislation would ensure that prosecutors have the tools they need to prosecute criminals like Gregory Robbins, who was an airman at Wright-Patterson Air Force Base in my State of Ohio, when he wrapped his fists in a T-shirt to reduce the chance that there might be bruising and visible wounds on the mother of the child and beat his 8-months pregnant wife in the face and abdomen, and he killed the unborn baby in doing that.

Military prosecutors were able to charge Robbins for the death because under Ohio law, there is a fetal homicide law, and they were able to do so under the Uniform Code of Military Justice. But had Mr. Robbins committed this act just across the Ohio River, just across from my district which is Cincinnati, in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that violent criminals who commit violent acts against pregnant women are justly punished for injuring or killing those unborn children. Without the Unborn Victims of Violence Act, the crimes against these innocent victims will continue to go unpunished.

Mr. Speaker, I strongly support this rule, and I urge my colleagues to support the rule and H.R. 503 to provide meaningful protection for violence against unborn children. We ought to stop that in this country, and this is the appropriate legislation to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take a moment to give the penalties from the Lofgren substitute, which are even stronger than those of the underlying bill. The Lofgren-Conyers substitute includes the following elements:

One, it creates a separate criminal Federal offense for harm to a pregnant woman, which protects the legal status of a woman.

Two, it recognizes the pregnant woman as the primary victim of the crime that causes termination of the pregnancy.

Three, it includes exactly the same sentences for the offenses as does the base bill, providing a maximum 20-year sentence for injury to the woman's pregnancy, and a maximum of life sentence for termination of a woman's pregnancy, and requires a conviction for the underlying predicate offense, requiring an intent to commit the predicate offense be proven.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of H. Res. 119, and I would like to commend the gentlewoman from North Carolina (Mrs. MYRICK), the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and all of the members of the Committee on Rules for their hard work on this fair rule.

Mr. Speaker, this rule is almost identical to the rule passed in the 106th Congress to consider similar legislation that provides for thorough consideration of H.R. 503 by authorizing 2 hours of debate and an opportunity for the minority to offer a substitute amendment which will be debated for 1 hour. This is a fair rule which will provide ample time for both debate and amendment.

Furthermore, the rule provides that the amendment committed in the Committee on Rules report, which makes a technical change to the Uniform Code of Military Justice shall be considered as adopted when the rule is adopted. I appreciate the indulgence of the Committee on Rules with regard to the small perfecting provision, and I would also like to thank the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP) for working with me to facilitate the consideration of this legislation.

Mr. Speaker, I urge all Members to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in very strong opposition to the Rule for H.R. 503, "Unborn Victims of Violence Act of 2001." We should have had more opportunity to discuss this extremely vital public policy matter in a serious way. This legislation has regrettably come to the House without more than nominal consideration of the con-

sequences of the sponsor's bill. We can and should do better, Mr. Speaker.

At this time, I would like to express my opposition to H.R. 503, the "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. That would be a travesty.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal criminal code to create a new federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under federal law. The use of the words as "unborn child," "death" and "bodily injury" are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 503.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to H. Res. 119, the rule just passed, I call up the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the bill is considered read for amendment.

The text of H.R. 503 is as follows:

H.R. 503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Victims of Violence Act of 2001".

#### SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

#### "CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.

"1841. Protection of unborn children.

#### "§ 1841. Protection of unborn children

"(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge